

FILED
JUN - 2 2010
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00423-PJH (DMR)
Plaintiff,)	
v.)	DETENTION ORDER
PEDRO VELASQUEZ)	
Defendant.)	

I. DETENTION ORDER

Defendant Pedro Velasquez is charged in a one-count indictment with illegally re-entering the United States, in violation of 8 U.S.C. § 1326. On May 28, 2010, the United States moved for Mr. Velasquez's detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee), and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Mr. Velasquez did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the June 2, 2010, hearing before this Court, Mr. Velasquez waived his right for now to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of

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1 counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present
2 information by proffer or otherwise), but he retained his right to raise any additional relevant
3 information at a later hearing. The Court also notes that Mr. Velasquez is subject to an
4 immigration detainer issued by Immigration and Customs Enforcement ("ICE").

5 After considering the limited information available to the Court, and the factors set forth
6 in 18 U.S.C. § 3142(g), the Court detains Mr. Velasquez as a serious risk of flight and finds that
7 no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
8 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
9 1403, 1406 (9th Cir. 1985).

10 II. CONCLUSION

11 The Court detains Mr. Velasquez as a serious flight risk. Because Mr. Velasquez waived
12 his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant
13 information at a later hearing, the Court orders that the hearing may be reopened at Mr.
14 Velasquez's request at any future time.

15 Mr. Velasquez shall remain committed to the custody of the Attorney General.

16 IT IS SO ORDERED.

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19 DATED: June 2, 2010



20 DONNA M. RYU
21 United States Magistrate Judge
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